IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 10184 of 2005

Between:

Ch. Srinivas Reddy, S/o Saidi Reddy,
Teja Talent School (TM & EM) R/o Subbaramaiah Complex, Kodada Town, Nalgonda District.

..... PETITIONER

AND

1 The Deputy Educational Officer, Miryalguda, Nalgonda District.
2 Sri Goli Saidaiah,
R/o Mallika Towers, Kodada, Nalgonda District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or direction, more particularly one in the nature of Writ of mandamus declaring the inaction of the on the part of the Respondent No.1 in not considering the representation dated 21-2-2005 vide letter No. I.L.R. No. 01/TTS/Kod/05, dt. 21-2-2005 submitted by the Petitioner, as illegal, arbitrary and violation of the principles of the natural justice, and consequently to direct the respondent No.1 not to inspect the same premises ie., Mallika towers and not to give permission to the Respondent No.2 to establish TEJA SAIDAIAH CONCEPT SCHOOL in Kodada Town, Nalgonda District, Consequently direct the Respondent No.1 to cancel the permission, If permission is given already on the same title, and pass such other order or orders as this Honourable Court may deem fit and proper in the circumstances of the case and in the interest of justice.

Counsel for the Petitioner:MR.A.THIRUPATHI REDDY
Counsel for the Respondent No.1: GP FOR EDUCATION

The Court made the following :

ORAL ORDER:

This writ petition has been filed seeking a direction, by way of writ of Mandamus, to the 1st respondent not to make any inspection and not to grant any permission for setting up of a school, on the application made by the 2nd respondent.

It is the case of the petitioner that he has been running an educational society in the name and style "Teja Sree Educational Society" at Mallika Towers, Kodada, Nellore District. It is the grievance of the petitioner that the 2nd respondent, who was earlier associated with him, has made application for running a school in the name of 'Theja Saidaiah Concept School' in same Mallika Towers, where the petitioner is running his institution. Now the apprehension of the petitioner is that, basing on such application, the 1st respondent is going to inspect the premises where the school is going to be established, and may pass appropriate orders for granting permission.

Even according to the petitioner, no such permission is granted as on today. If any application is made for running a school, it is for the competent authority, including the 1st respondent, to make inspection. The petitioner, who is also running an institution, cannot interdict the proceedings, at this stage. If any adverse order is passed and, if he is aggrieved thereof, it is always open for him to question the same at the appropriate time and, it is too premature at this stage, to seek any relief.

The writ petition is devoid of merits and the same is accordingly dismissed. No order as to costs.

28.4.2005

CVM

To,

1 The Deputy Educational Officer, Miryalguda, Nalgonda District.
2 Sri Goli Saidaiah,
R/o Mallika Towers, Kodada, Nalgonda District.

3. 2 CCs to G.P. for Education, High Court buildings, Hyderabad (OUT).

4. 2 CD copies.